



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Patent Application for Domelas  
Serial No.: 09/578,194  
Filed: 05/24/00  
For: Modulation of Storage Organs

Date: November 13, 2001  
Art Unit: 1635  
Examiner: Schmidt, M  
Action: Election, Traversal and amendment  
37 CFR §1.136 (a)

1635  
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TECH CENTER 1600/29.

To: The Commissioner of Patents and Trademarks, Washington, DC 20231

**Election with Traverse and amendment to claim 1**

Sir:

This is a request for removal of the restriction requirement in light of the amended claim 1. An amendment that forms claim one into a further unified concept and an election of Invention. The election is for Invention II and the ASK-gene of Group II.

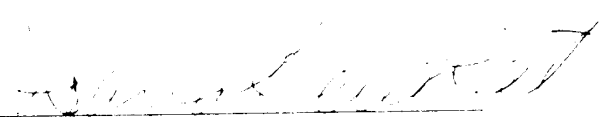
*Traversal*  
The claims are related as they are all involved in using ASK-gene species of Group II. Additionally that sense and antisense use of the ASK-gene species of Group II is related in that as amended in claim 1 the inventions modify organs. Therefore, the Examiner is asked to please reconsider the restriction requirement and remove this restriction.

The Examiner states that there are species of plants and genes. The Applicant does not understand this species restriction. There are not different species of genes. There is only the ASK-gene of Group II. If the Examiner is suggesting that somehow the group II genes are each species then the applicant believes the Examiner is misconstruing what a group II gene actually is. There are no species of genes in this applications. No selection from this can be made. If the Examiner is saying that the claims are directed to species this is untrue. The Examiner states all claims are generic since no one claim is limited to a single plant species. The Examiner seems to be requiring that the Applicant amend the claims to claim a species. If the claims are generic as the Examiner admits then why are they being restricted. All plants that have storage organs can be modified. To the extent that an election on this is appropriate the election would be to dicots. This would include claims 1-12 and 15-24. The amendment to the claim should eliminate the Examiner's restriction. Thus there is no need for further restrictions.



CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8

I hereby certify that attached is a postcard and election and Traverse and amendment which being deposited on November 13th, 2001 and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

  
09/578,194 DANA REWOLDT